

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT**

INNOVATION VENTURES, LLC
d/b/a LIVING ESSENTIALS,

Plaintiff/Counterclaim Defendant,

v.

Case No. 08-12711

Hon. Gerald E. Rosen
Magistrate Judge Steven D. Pepe

BODY DYNAMICS, INC.
d/b/a BDI MARKETING,

Defendant/Counterclaimant.

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PRELIMINARY INJUNCTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 30, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

The Court having this day entered an opinion and order adopting the Magistrate Judge's Report and Recommendation and granting Defendant/Counterclaimant's motion for a preliminary injunction,

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff Innovation Ventures, LLC ("Living Essentials"), as well as its officers, directors, principals, agents, employees, successors, and assigns, and all those in active concert and participation with Living Essentials, shall:

(1) cease any further issuance or distribution of the "Legal Notice" and "Dear Customer" letter attached as Exhibit I to Defendant's motion for preliminary injunction, or any

similar press release, advertisement, notice, letter, correspondence, or other written or oral statement that falsely, misleadingly, or deceptively states or implies that Defendant's "MINI THIN RUSH" products are the subject of a court-ordered injunction or recall;

(2) issue corrective notices or letters to all customers to whom Living Essentials sent the "Dear Customer" correspondence attached as Exhibit I to Defendant's motion, clarifying (i) that the court-ordered recall referenced in Living Essentials' earlier "Dear Customer" communication was limited to the specific manufacturer and product that were the subject of the Court's ruling in *Innovation Ventures, LLC v. N2G Distributing, Inc.*, No. 08-10983 (E.D. Mich.), (ii) that this court order was based on the similarity of the trade dress of Living Essentials' product and the product that was subject to recall, and (iii) that Defendant's "MINI THIN RUSH" product was not and is not subject to this or any other court-ordered recall;

(3) place a notice in the "Convenience Store News" clarifying (i) that the court-ordered recall referenced in Living Essentials' earlier "Legal Notice" was limited to the specific manufacturer and product that were the subject of the Court's ruling in *Innovation Ventures, LLC v. N2G Distributing, Inc.*, No. 08-10983 (E.D. Mich.), (ii) that this court order was based on the similarity of the trade dress of Living Essentials' product and the product that was subject to recall, and (iii) that Defendant's "MINI THIN RUSH" product was not and is not subject to this or any other court-ordered recall; and

(4) file with the Court and serve upon Defendant's counsel, within twenty-one (21) days after the date of this preliminary injunction, a written report setting forth in detail the steps that have been taken to comply with this injunction.

The preliminary injunctive relief awarded herein shall remain in effect until further order of this Court.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 30, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 30, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager